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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 13th March, 1996/Phalguna 23, 1917 (Saka)

The following President's Act is published for General information:—

THE JAMMU AND KASHMIR CRIMINAL LAW AMENDMENT (AMENDING) BILL, 1996

No. 5 of 1996

Enacted by the President in the Forty-seventh Year of the Republic of India.

An Act further to amend the Jammu and Kashmir Criminal Law Amendment Act, 1983.

21 of 1992. In exercise of the powers conferred by section 3 of the Jammu and Kashmir State Legislature (Delegation of Powers) Act, 1992, the President is pleased to enact as follows:—

1. (1) This Act may be called the Jammu and Kashmir Criminal Law Amendment (Amending) Act, 1996.

(2) It shall come into force at once.

Short title and commencement.

Amendment of
section 3.

2. In section 3 of the Jammu and Kashmir Criminal Law Amendment Act, 1983 (hereinafter referred to as the principal Act), after sub-section (3), the following sub-section shall be inserted, namely:—

J & K. Act X
of 1983.

"(3A) No such notification shall have effect until the Tribunal has, by an order made under section 4, confirmed the declaration made therein and the order is published in Government Gazette:

Provided that if the Government is of opinion that circumstances exist which render it necessary for the Government to declare an association to be unlawful with immediate effect, it may, for reasons to be stated in writing, direct that the notification shall, subject to any order that may be made under section 4, have effect from the date of its publication in the Government Gazette."

Amendment of
section 6.

3. In section 6 of the principal Act, in sub-section (1), for the words "of its confirmation by the Tribunal", the words "on which the notification becomes effective" shall be substituted.

Amendment of
section 7.

4. In section 7 of the principal Act, in sub-section (1), for the words "which has been confirmed by the Tribunal", the words, brackets, figure and letter "which has become effective under sub-section (3A) of that section" shall be substituted.

Amendment of
section 8.

5. In section 8 of the principal Act, in sub-section (1), for the words "which has been confirmed by the Tribunal", the words, brackets, figure and letter "which has become effective under sub-section (3A) of that section" shall be substituted.

Amendment of
section 11.

6. In section 11 of the principal Act, for the words "which has been confirmed by the Tribunal", the words, brackets, figure and letter "which has become effective under sub-section (3A) of that section" shall be substituted.

SHANKER DAYAL SHARMA

President.

K.L. MOHANPURIA,

Secy. to the Government of India.

Reasons for the enactment

The Unlawful Activities (Prevention) Act, 1967 extends to the State of Jammu and Kashmir also. However, some of the important provisions, thereof are not specifically applicable to that State. As a result, in the event of it being found necessary to declare, at any time, any organisation unlawful, the Government of Jammu and Kashmir has to take recourse to the provisions of the Jammu and Kashmir Criminal Law Amendment Act, 1983. Under this Act, a notification declaring any association unlawful can become effective only after its confirmation by the Tribunal constituted for the purpose under the Act. The State Law also provides for seizure of immovable properties, etc., but this action also can be legally possible only after confirmation of the notification by the Tribunal, which could, in certain circumstances defeat the very purpose of the Act or any action of the State Government thereunder.

2. A provision exists under the Unlawful Activities (Prevention) Act, 1967 by which immediate effect can be given to the declaration issued to ban an unlawful association under the Act. In the absence of such a provision under the State Law, difficulties are being experienced by the Government of Jammu and Kashmir taking timely action for seizure of properties in confiscation of funds, etc., of organisations which are declared unlawful. In order to overcome this difficulty, an amendment to the Jammu and Kashmir Criminal Law Amendment Act, 1983 has been proposed to enable the State Government, if circumstances so warrant, to give immediate effect to a notification declaring any organisation unlawful. The proposed enactment is aimed at achieving the above object.

3. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee on Jammu and Kashmir Legislation. The measure is, accordingly, being enacted without reference to the Consultative Committee.

K. PADMANABHAIAH,
Secretary to the Government of India
(Department of Jammu and Kashmir Affairs).

